

DETAILED ACTION

1 This action is responsive to the amendment filed on March 6, 2009.

EXAMINER'S AMENDMENT

2 An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Joseph C. Suhadolnik on April 30, 2009.

The application has been amended as follows:

In the claims:

In claim 1, in the second line under the claimed formula (1c), after the word "and" insert -- are not derived from the same amino acid or amino acid amide residue--.

In claim 2, under the claimed formula (2c) insert, -- in which R₁, R₂ and M are as defined in claim 1.--.

In claim 4, in line 2, delete "/or".

In claim 4, in line 7, replace the word "and" with -- , iminodiacetic acid, N-(propionamido)-N-(2-hydroxyethyl)amine,--.

In claim 4, in line 8, replace the term "as well as" with -- and--.

In claim 4, in lines 8 and 9, delete ", or from iminodiacetic acid or from N-(propionamido)-N-(2-hydroxyethyl)amine".

In claim 5, in line 3, replace "or" with --, --.

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In claim 8, in line 1, in the beginning of the line, insert -- fluorescent whitening agent--.

In claim 9, in the last line after the term "R₂H" insert, -- R₁ and R₂ are as defined in claim 1--.

In claim 10, in the second line under the claimed formula (1b), after the term "and" insert -- are not derived from the same amino acid or amino acid amide residue--.

In claim 11, in line 7 under the claimed formula (1c), replace the term "or" with -- iminodiacetic acid, N-(propionamido)-N-(2-hydroxethyl)amine or corresponding propionic acid,--.

In claim 11, in line 9, under the claimed formula (1c), replace the term "as well as" with -- and--.

In claim 11, in lines 9 and 10, under the claimed formula (1c), delete ", or from iminodiacetic acid or from N-(propionamido)-N-(2-hydroxethyl)amine or the corresponding propionic acid".

In claim 12, in the second line under the claimed formula (1c), after the word "and" insert -- are not derived from the same amino acid or amino acid amide residue--.

In claim 14, in the second line under the claimed formula (1c), after the term "and" insert -- are not derived from the same amino acid or amino acid amide residue--.

In claim 16, in the first line under the claimed formula (1c), after the word "and" insert, -- are not derived from the same amino acid or amino acid amide residue--.

In claim 16, in line 11, replace the word "or" with -- , iminodiacetic acid, N-(propionamido)-N-(2-hydroxethyl)amine or the corresponding proionic acid--.

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In claim 16, in line 12, under the claimed formula (1c), replace the term "as well as" with -- and--.

In claim 16, in lines 12 and 13, delete " , or from iminodiacetic acid or from N-(propionamido)-N-(2-hydroxyethyl)amine or the corresponding propionic acid".

2 Claims 1-16 are allowed.

STATEMENT OF REASONS FOR ALLOWANCE

3 The following is an examiner's statement of reasons for allowance:

The closest prior art of record (US 6,302,999 B1) teaches an optical brightener formulation comprising a mixture of compound having the formulae (1) to (10) (see cols. 2-6, the formulae (1) to (10)). However, the closest prior art of record (US' 999 B1) does not teach or disclose a fluorescent whitening agent comprising a mixture of compounds of the claimed formulae (1a), (1b) and (1c) of a mixture of compounds of the claimed formulae (2a), (2b) and (2c) as claimed). Accordingly, the claimed subject matter as whole would not have been obvious to one having ordinary skill in the art of a whitening synthetic or natural organic materials or in the art of synthetic fluorescent compounds.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eisa B. Elhilo whose telephone number is (571) 272-1315. The examiner can normally be reached on M - F (8:00 -4:30).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pyon Harold can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Eisa B Elhilo/
Primary Examiner, Art Unit 1796
April 30, 2009